

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# 18-23**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 02/22/2018	NEED RESPONSE BY: 03/12/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Santa Barbara	
3. PHONE NO.: EMAIL:		7. SUBJECT: Liable Individual	
4. REGULATION CITE(S): 63-801.1		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN I-54-09	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Is a 21 year old ineligible student liable for a CalFresh overissuance?

Student was ineligible for not meeting student requirements and was part of the CalFresh household at the time of the overissuance.

10. REQUESTOR'S PROPOSED ANSWER:

Yes, the 21 year old ineligible student is liable for the CalFresh overissuance just like an excluded household member would be liable for the overissuance as both were part of the CalFresh household at the time of the overissuance.

Per 63-801.1 Establishing Claims Against Households and/or Against Sponsors of Alien Households  
All adult household members shall be jointly and individually liable for the value of any overissuance of benefits to the household. The CWD shall establish a claim, in accordance with Section 63-801.2, against any household that has received more food stamp benefits than it is entitled to receive or any

(continue on page 2)

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The State concurs with the proposed response.

**FOR CDSS USE**

DATE RECEIVED:  
02-27-2018

DATE RESPONDED TO COUNTY/ALJ:  
03-07-2018 AB

**CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)****PI#18-23**

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: <b>02/22/2018</b>	NEED RESPONSE BY: <b>03/12/2018</b>
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: <b>Santa Barbara County</b>	
3. PHONE NO.:      EMAIL:		7. SUBJECT: <b>Liabe Individual</b>	
4. REGULATION CITE(S): <b>63-801.1</b>		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b> <b>ACIN I-54-09</b>	

household which contains an adult member who was an adult member of another household that received more food stamp benefits than it was entitled to receive, except as specified in Section 63-801.12. Any sponsor of an alien and the sponsored alien shall be held jointly and individually liable for repayment of any overissuance of food stamp benefits that results from incorrect information provided by the sponsor. In such cases, the CWD shall establish a claim against the sponsor or the alien household as provided in Section 63-801.13. In instances of trafficking, any person who is connected to the household, such as an authorized representative, who actually traffics or otherwise caused an overissuance or trafficking, shall be liable for the repayment of the trafficking claim.

Per ACIN I-54-09 Food Stamp Questions and Answers

**QUESTION:**

Can the county demand repayment from an excluded household member such as an SSI/SSP recipient or an undocumented person?

**ANSWER:**

Yes, for excluded household members other than SSI/SSP members. At 7 CFR 273.18, Federal regulations state adult members of the household are responsible for overissuances (O/I). Excluded household members, are part of the household, but not currently receiving benefits due to ineligibility status, such as being sanctioned, having